

1 **Matthew S. Mokwa** (FL Bar No. 47761)
(*pro hac vice*)

2 **The Maher Law Firm, P.A.**
271 W. Canton Ave. Suite 1
3 Winter Park, FL 32789
407-839-0866 (Telephone)
4 321-304-6039 (Fax)
mmokwa@maherlawfirm.com

5 Plaintiff's Counsel

6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 IN RE BARD IVC FILTERS
10 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

11 **AMENDED MASTER SHORT FORM**
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND DEMAND
12 **FOR JURY TRIAL**

13 Plaintiff(s) named below, for their Complaint against Defendants named below,
14 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

15 Plaintiff(s) further show the Court as follows:

16 1. Plaintiff/Deceased Party:

17 Susan Cernosek, deceased

18 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
19 consortium claim:

20 N/A

21 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
22 conservator):

1 Wilbert Cernosek as Administrator of the Estate of Susan Cernosek, deceased.

- 2 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
3 the time of implant:

4 Texas

- 5 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
6 the time of injury:

7 Texas

- 8 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

9 Texas

- 10 7. District Court and Division in which venue would be proper absent direct filing:

11 Southern District of Texas - Houston Division

- 12 8. Defendants (check Defendants against whom Complaint is made):

13 ☒ C.R. Bard Inc.

14 ☒ Bard Peripheral Vascular, Inc.

- 15 9. Basis of Jurisdiction:

16 ☒ Diversity of Citizenship

17 ☐ Other: _____

- 18 a. Other allegations of jurisdiction and venue not expressed in Master
19 Complaint:

20 _____

- 21 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
22 claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

5/24/2008

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information
Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Texas (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☒ Count XVI: Wrongful Death

☒ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 5th day of December, 2019.

2 Respectfully submitted,

3
4 By: s/ Matthew S. Mokwa
5 Matthew S. Mokwa (FL Bar No. 47761)
6 (admitted *pro hac vice*)
7 **The Maher Law Firm, P.A.**
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13

14 I hereby certify that on this 5th day of December, 2019, I electronically
15 transmitted the attached document to the Clerk's Office using the CM/ECF system for filing
16 and transmittal of a Notice of Electronic Filing.
17

18 /s/ Matthew S. Mokwa
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